UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 5:15-cr-1499
	§	**UNDER SEAL**
CHRISTOPHER JAMES MINNICK, **Defendant**	§	

UNITED STATES' RESPONSE TO DEFENDANT'S MOTION TO DISMISS

TO THE HONORABLE JUDGE OF THIS COURT:

The United States was ordered by this Court to respond to the Defendant's motion to dismiss and to address the Court's reasoning in its order to dismiss in *United States v. Nicanor Marquez* (CR. NO. 5:15-cr-0778; DE-32). The Government concedes that the two cases are substantially similar and, under the Court's reasoning in *Marquez*, this case should likewise be dismissed. However, the Government is currently in the process of obtaining permission to appeal the *Marquez* case to the 5th Circuit. The Government would request that the Court stay further actions in this case until either the Government appeals the *Marquez* case, or the permitted time to appeal the lapses.

Respectfully submitted,

KENNETH MAGIDSON
UNITED STATES ATTORNEY

By: /s/ Alfredo De La Rosa
ALFREDO DE LA ROSA
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that September 23, 2016 a true and correct copy of United States' response to defendant's motion to dismiss was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to all Counsel of Record.

/s/ Alfredo De La Rosa
ALFREDO DE LA ROSA
Assistant United States Attorney